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SENATE BILL 739

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO THE STATE DEFENSE FORCE; EXTENDING WORKERS'
COMPENSATION BENEFITS TO MEMBERS OF THE STATE DEFENSE FORCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 20, Article 5 NMSA
1978 is enacted to read:

"[NEW MATERIAL] STATE DEFENSE FORCE--WORKERS'
COMPENSATION. --

A. When a member of the state defense force is on
state-ordered militia duty or is traveling directly to or from
that duty, he is a worker under the Workers' Compensation Act
and the department of military affairs is his employer.

B. The average weekly wage of a member of the state
defense force shall be computed at the pay earned in his
civilian capacity. Disability benefits to a member of the

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1 state defense force shall be limited to medical benefits and
2 two-thirds of his civilian pay if he is unable to work.

3 C. A member of the state defense force shall not be
4 considered a worker under the Workers' Compensation Act when
5 performing cadre duty.

6 D. As used in this section:

7 (1) "cadre duty" means the normal service and
8 training of the standing cadre of the state defense force in
9 anticipation and support of militia duty, including
10 organization, administration and other pre-call matters; and

11 (2) "militia duty" means the performance of
12 actual military service for the state in time of need when
13 called by the governor or adjutant general following
14 mobilization of the national guard. If performed by the
15 unorganized militia following its call by the governor pursuant
16 to Section 20-2-6 NMSA 1978, it shall include the post-call
17 training of the New Mexico state defense force as required by
18 that call."